

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JARRED JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 3:12-cv-00186
)	District Judge Trauger
)	
)	
TRUCAP REO CORP., MARIX SERVICING, and WEISS SPICER CASH, PLLC)	Removed from the Chancery Court for the 21st Judicial District of Tennessee (Williamson County)
Defendants.)	No. 40536
)	

**MOTION OF MARIX SERVICING, LLC & TRUCAP REO CORP.
TO DISMISS**

COME NOW Defendants Marix Servicing, LLC (“**Marix**”) and Trucap Reo Corp. (“**Trucap**”) (collectively, the “**Defendants**”), by and through their undersigned counsel, under the authority contained in Federal Rule of Civil Procedure 12(b), and move to dismiss the “**Complaint**” (the “**Complaint**” or “**Compl.**”) filed by the Plaintiff, Jarred Johnson (“**Plaintiff**”) in this action. In support of this Motion to Dismiss, Defendants submit herewith their Memorandum

of Law containing argument and citation of authorities. Defendants respectfully pray for the following relief:

- (A) That Plaintiff's prayers for relief be denied;
- (B) That Plaintiff's Complaint be dismissed with prejudice for failure to state a claim upon which relief can be granted;
- (C) That all costs of this civil action be charged against Plaintiff; and
- (D) That the Court grant such other and further relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED this 15th day of February, 2012.

Respectfully submitted,

BONE McALLESTER NORTON PLLC

/s/ William J. Haynes, III

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*Counsel for Defendants, Trucap Reo Corp.
and Marix Servicing, LLC*

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the within and foregoing **DEFENDANTS' MOTION TO DISMISS** with the Clerk of Court using the CM/ECF system that will automatically send e-mail notification of such filing to the attorneys of record, each of whom is a registered participant in the Court's electronic notice and filing system and each of whom may access said filing via the Court's CM/ECF system, and/or first-class U.S. Mail, postage prepaid, to:

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This 15th day of February, 2012.

By: /s/ William J. Haynes, III